

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/526,848

Applicant(s): Ling Wang

Filed: September 29, 2005

TC/A.U.: 2600/2618

Examiner: Tan H. Trinh

Atty. Docket: US 020306 US

Confirmation No.: 9363

Title: MASTER-SLAVE ORIENTED TWO-WAY
RF WIRELESS LIGHTING CONTROL SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the rejections in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

The claims in this application stand at least twice rejected under 35 U.S.C. § 103(a). These rejections are appropriate for consideration under the Pre-Appeal Brief Conference Program, as established at 1296 Off. Gaz. Pat. Office 67 (July 12, 2005), because they are based upon a **clear factual and legal deficiency**.

REMARKS

CLAIMS 1-7, 9-17 AND 19-20

a. The applied art fails to disclose at least one feature of each of claims 1 and 11

Independent claims 1 and 11 and claims 2-7, 9-10, 12-17, and 19-20, dependent therefrom stand, rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of *Josephsoon* (U.S. Patent Application Publication 20080034331) and *Haupt* (U.S. Patent Application Publication 20020042282). Applicants disagree.

Among other requirements, a *prima facie* case of obviousness requires the prior art reference or combination of references must teach or suggest all the limitations of the claims.¹ For at least the following reasons, no proper combination of *Josephsoon* and *Haupt* renders claim 1 obvious.

Claim 1 recites:

A lighting control network, comprising:
a remote control unit having a RF signal transmitter and a RF signal receiver; and
a plurality of lighting control units, each of said lighting control units having a RF signal transmitter, a RF signal receiver, and a lighting unit associated therewith, wherein said ***remote control unit and said plurality of lighting control units are configured in a master-slave oriented network, one of said plurality of lighting control units and said remote control unit being configured as a master in said network and remaining lighting control units of said plurality of lighting units and said remote control unit being configured as slaves in said network,*** and said plurality of lighting control units and said remote control unit communicating bi-directionally with each other via a RF wireless link (emphasis added).

In rejecting claim 1, the Office Action erroneously directs Applicants to Fig. 2B and paragraph [0111] of *Josephsoon* for the alleged disclosure of the emphasized features of claim 1. In particular, the Office Action relies on remote control unit 220, central control units 152 252 and multi-device switches (MDS) 101, 202 for the alleged disclosure of the remote control unit and the lighting control units as specifically recited

¹ See *In re Wilson*, 424 F.2d 1382 (C.C.P.A. 1970) (“All words in a claim must be considered in judging the patentability of that claim against the prior art.”).

in claim 1. Notably, central control units 152, 252 of *Josephsoon* are not described as a remote control unit. At page 3, lines 4-7, the Office Action further asserts:

“In this case, the central control unit (152 or 252) of [the] lighting control unit is configured in a master lighting control, and lighting control units (102s or 202s) configured is a slave oriented network. Since one or more devices coupled to a network may serve as a controller for one or more other devices coupled to the network (e.g., in a master/slave relationship). ”

At the outset, Applicants respectfully note the inconsistency of the this interpretation of *Josephsoon*'s central control units 152, 252 with their previously being relied upon as remote control units. **Such reliance upon one element of the applied art for two separate features of a claim is clearly erroneous and wholly improper.**

Moreover, there is no disclosure in *Josephsoon*. of the configuring of **any** of the **multi-device switches MDSs** 102, 202 to be **masters** in a master-slave oriented network, and especially not remote control units as specifically claimed. Accordingly, Applicants respectfully submit that the assertion that the MDSs 102,202 are configured to be masters is clearly erroneous. (Please refer also to pages 7-8 of the Rule 111 Response filed on April 26, 2009.)

Further, the Office Action concedes that *Josephsoon* fails to disclose “...the plurality of lighting control units (102s and 202s) communicating bi-directionally with each other via a RF wireless link” and turns to *Haupt* in an attempt to cure this deficiency. (See lines 8-9 of the Office Action.) Applicants note that claim 1 recites the “plurality of lighting control units **and said remote control unit** communicating bi-directionally with each other via a RF wireless link.” Accordingly, **the Examiner's interpretation of the claim is clearly erroneous as it fails to consider a feature of the claim.** As such, and assuming arguendo that *Haupt* discloses the conceded missing features of *Josephsoon*, there remains at least the deficiency of the plurality of lighting control units **and the remote control unit** communicating bi-directionally as specifically recited in claim 1. Thus, the rejection is clearly erroneous because a feature of the claim is not properly considered in the rejection.

The Office Action directs Applicants to paragraph [0031] of *Haupt* for the alleged disclosure of the plurality of lighting control units communicating bi-directionally as set forth in claim 1. Specifically, the Office Action directs Applicants to the central unit 1

and the mobile apparatuses 4 through 9 of *Haupt*. The Office Action asserts that central unit 1 is a “master remote unit.” However, there is **no description that the central unit 1 is a remote control unit**, but rather only that the central unit 1 can control mobile apparatuses 4 through 9. Moreover, while mobile apparatuses 4-9 each have a control module there is no disclosure of a remote control unit with which the mobile apparatuses 4-9 communicate in a bi-directional manner. Rather, the mobile apparatuses 4-9 communicate with control device 3 of central unit 1, which is not disclosed as a remote control unit. Therefore, *Haupt* cannot serve to remedy the deficiencies of *Josephsoon*. as asserted in the Office Action

Claim 11 is rejected collectively with claim 1. As such, Applicants respectfully submit that for reasons substantively the same as set forth in the traversal of the rejection of claim 1, the applied art fails to disclose at least the emphasized features of claim 11.

b. The motivation to combine the applied art is improper

A proper combination of references in a rejection for obviousness requires an articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.² Applicants respectfully submit that the reasoning of the Office Action fails to meet this requirement. Notably, the Office Action asserts:

“Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Mosebrook with *Haupt*, in order to provide directly or indirectly controlled by the central unit (master unit) (see suggested by *Haupt* on page 2, section [0029])”

First of all, no reference to Mosebrook is relied upon in the substantive Office Action. Moreover, while the direct or indirect communication is disclosed between the apparatuses 4-9 and the central unit 1 is disclosed, there is no disclosure of a remote control unit as claimed; and there would be no basis for transplanting the direct and indirect communication of a wireless apparatuses 4-9 with any type of remote unit because *Haupt* does not disclose a remote control unit and therefore does not address the

² *KSR Int’l v. Teleflex*, 127 S. Ct. at 1741.

need for such communications. Applicants respectfully submit that insufficient motivation to combine *Haupt* with *Josephsoon* renders their combination improper.

For at least the reasons set forth above, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and that claims 1 and 8 are patentable over the applied art. Moreover, claims 2-10 and 11-20, which depend from claims 1 and 10, respectively, are also patentable for at least the same reasons.

CLAIMS 8 and 18

Claims 8 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of *Josephsoon*, *Haupt* and Crookham, et al. (U.S. Patent Application Publication 20070171028). Claims 8 and 18 depend from claims 1 and 11, respectively. Applicants respectfully submit that claims 8 and 18 are patentable for at least the same reasons as their respective independent claims.

Conclusion

The rejections of Applicants' claims under 35 U.S.C. §103(a) clearly are erroneous, and Applicants respectfully request that the panel reverse these rejections.

Respectfully submitted on behalf of:

Phillips Electronics North America Corp.

/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

Date: September 28, 2009

Volentine & Whitt, PLLC
Two Meridian Blvd.
Wyomissing, PA 19610
(610) 375-3513 (v)
(610) 375-3277 (f)